

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER
STATE INSURANCE COMMISSIONER



OFFICE OF
INSURANCE COMMISSIONER

FILED

2004 DEC -3 A 10:59

DECLARATION OF MAILING

I declare under penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to
parties below

DATED this 3rd day of Dec 2004
at Tumwater, Washington.

Signed: W. Galloway

HEARINGS UNIT

Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Administrative Assistant
WendyG@OIC.wa.gov.
(360) 725-7002

In the Matter of:

GARRY R. BROWN,

Licensee.

NO. D 04-224

AMENDED NOTICE OF HEARING

TO: Garry R. Brown
31570 SR 20, Suite 101
Oak Harbor, Washington 98277

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
J. Scott Jarvis, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
John Hamje, Staff Attorney, Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

The purpose of this Amended Notice is solely to correct the three typographical errors indicated below. Other than those three changes, the original Notice of Hearing entered on November 29, 2004, and filed on November 30, 2004, remains effective in its entirety as of date of entry.

On October 27, 2004, the Insurance Commissioner (Commissioner) received a Demand for Hearing from Garry R. Brown (Licensee). The purpose of said Demand for Hearing is to contest the Commissioner's Order Revoking License entered October 7, 2004. Licensee's Demand for Hearing was received by the Commissioner before the effective date of the

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501



AMENDED NOTICE OF HEARING

No. D 04-224

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revocation therefore staying the revocation pending the hearing, pursuant to RCW 48.04.020. Accordingly, on November 17, 2004, the undersigned held a first prehearing teleconference in this matter. The Licensee appeared pro se and the Commissioner was represented by John F. Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. Finally, during the subject first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **9:00 a.m., on Monday, Friday, January 10, 21, 2005**. The purpose of the hearing will be to determine the validity and propriety of the Commissioner's afore-referenced Order Revoking License.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

As stated in his Demand for Hearing, the Licensee disagrees with the Commissioner's Order Revoking License as it does not allow for mitigating extenuating circumstances. ~~In his follow up letter filed on October 27, 2004, the Licensee explained his position in more detail.~~ The Commissioner's position is as stated in his aforementioned Order Revoking License, a copy of which has been furnished to the Licensee and is incorporated herein by this reference.

The Commissioner will be represented by John F. Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. His mailing address is P.O. Box 40255 and his telephone number is 360-725-7046. During the first prehearing teleconference, the Licensee indicated that he will represent himself.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. The Licensee may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105. All communications concerning this proceeding or the issues presented therein, however, should not be directed to the undersigned, but instead should be directed to Wendy Galloway, administrative assistant to the undersigned, identified below.

As above, on November 17, 2004, the undersigned held a first prehearing teleconference in this matter. During said prehearing conference, the undersigned reviewed procedure to be expected before, during and after the hearing and answered all questions of the parties. Of significance, the undersigned advised the parties that, pursuant to RCW 48.04.020(1), the effective date of the Order of Revocation and the date on which the Demand for Hearing was filed, an automatic stay of the Order of Revocation was in place and would continue until a final order on hearing

AMENDED NOTICE OF HEARING

No. D 04-224

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was entered. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

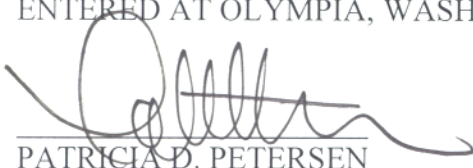
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, Friday, January 10, 21, 2005, at the hour of 9:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501 in Room 120.

ENTERED AT OLYMPIA, WASHINGTON, this 3rd day of December, 2004.



PATRICIA D. PETERSEN
Presiding Officer

MIKE KREIDLER
STATE INSURANCE COMMISSIONEROFFICE OF
INSURANCE COMMISSIONER

FILED

2004 NOV 30 A 10:13

Under penalty of perjury
I declare that I am the true owner of the
document that on the date listed
below, I mailed or caused delivery
of a true copy of this document to
be made to the
DATED this 30 day of November, 2004
at Tumwater, Washington.

Signed: W. Galloway

HEARINGS UNIT

Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing OfficerPatricia D. Petersen
Chief Hearing Officer
(360) 725-7105Wendy Galloway
Administrative Assistant
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(360) 725-7002
Fax # (360) 664-2782

In the Matter of:

GARRY R. BROWN,

Licensee.

NO. D 04-224

NOTICE OF HEARING

TO: Garry R. Brown
31570 SR 20, Suite 101
Oak Harbor, Washington 98277COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
J. Scott Jarvis, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
John Hamje, Staff Attorney, Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

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questions and concerns of the parties. Finally, during the subject first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **9:00 a.m., on Monday, January 10, 2005**. The purpose of the hearing will be to determine the validity and propriety of the Commissioner's aforereferenced Order Revoking License.

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As stated in his Demand for Hearing, the Licensee disagrees with the Commissioner's Order Revoking License as it does not allow for mitigating extenuating circumstances. In his follow up letter filed on October 27, 2004, the Licensee explained his position in more detail. The Commissioner's position is as stated in his aforereferenced Order Revoking License, a copy of which has been furnished to the Licensee and is incorporated herein by this reference.

The Commissioner will be represented by John F. Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. His mailing address is P.O. Box 40255 and his telephone number is 360-725-7046. During the first prehearing teleconference, the Licensee indicated that he will represent himself.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. The Licensee may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105. All communications concerning this proceeding or the issues presented therein, however, should not be directed to the undersigned, but instead should be directed to Wendy Galloway, administrative assistant to the undersigned, identified below.

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As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

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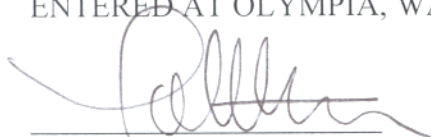
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, January 10, 2005, at the hour of 9:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501 in Room 120.

ENTERED AT OLYMPIA, WASHINGTON, this 29th day of November, 2004.



PATRICIA D. PETERSEN
Presiding Officer